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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,770	06/29/2001	Mary Purvis	PUR-001/CON	5937

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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/893,770

Applicant(s)

PURVIS, MARY

Examiner

Michael J Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 45-62 is/are pending in the application.
- 4a) Of the above claim(s) 47-50 and 55-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45,46 and 51-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of species III in Paper No. 7 is acknowledged. The traversal is on the ground(s) that there is no undue burden on the examiner and further that the actions taken in the parent negate this. This is not found persuasive because the species are not held by applicant to be obvious variants and therefore would require separate consideration of each of the affixation devices as individually patentable. Further, the particulars of the parent application are different from the instant application and therefore, the decisions in regard to the election of species are different.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 45 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller D378,562.

Miller D378,562 discloses in a method comprising providing a structural member (the lid of each, with indicia as shown (Coleman cooler lids being brightly colored)), the lid being affixable to a base via an affixation device (Coleman coolers have an affixing

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perimeter rib on the lid), the structural member being releasable affixed to a planar portion of an insulating cooler device. As to claim 51, the Miller patents disclose sports-related logos. Miller D378,562 discloses different lids for the coolers (figs 1,5 and 9 show different lids). The lid would, of necessity, be non-destructively affixed or the cooler would be a one-time use only and destroyed after one use.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 45 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. US PATs D369,946 and D378,562 (Miller) in view of conventional coolers.

Miller discloses in each a method comprising providing a structural member (the lid of each, with indicia as shown (Coleman cooler lids being brightly colored)), the lid being affixable to a base via an affixation device (Coleman coolers have an affixing perimeter rib on the lid), the structural member being releasable affixed to a planar portion of an insulating cooler device. As to claim 51, the Miller patents disclose sports-related logos. Miller D378,562 discloses different lids for the coolers (figs 1,5 and 9 show different lids). To any degree it may be argued the Miller Patents do not have the lids affixed to the base, to employ a similar structure as found in conventional Coleman coolers would have been obvious in order to better affix the lid to the base.

Claims 52,53 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claims 45 and 51 above, and further in view of Blackwelder.

Miller discloses a cooler as discussed above. Miller does not, however, teach attaching different logos to the same lid. Blackwelder discloses affixing different attachments (30) to a container for limited periods of time, dependent on the whim of the user. To modify the interchangeability of Miller employing known attachment means, as disclosed by Blackwelder, would have been obvious in order to provide different decorations at different times, as suggested by Blackwelder.

Claims 46 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Blackwelder as applied to claims 45, 51-53 and 62 above, and further in view of either one of Forrer and Brodbeck. Forrer and Brodbeck each disclose applying adhesive to a container to allow interchanging indicia on the container. To modify the art previously employed by employing adhesive as the releasable affixing means would have been obvious as a substitution of equivalent affixing means recognized in the art.

### ***Response to Arguments***

Applicant's arguments filed 11/12/02 have been fully considered but they are not persuasive. As to the arguments in reference to the parent case, the examiner does not find them cogent. Specifically, the decision by the Board of Appeals appears to the examiner to be directed toward an aspect of the parent not included in the instant

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application. As to arguments over the restriction requirement, the instant application is different from the parent and therefore, the actions taken are different.

### ***Conclusion***


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

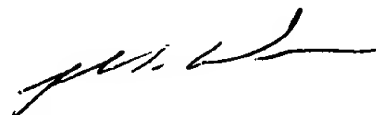
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

MF   
June 29, 2003

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**